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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 67th MEETING
(FIRST PART)*

Held at the Palais des Nations, Geneva,
on Wednesday, 10 March 1993, at 7 p.m.

Chairman: Mr. FLINTERMAN (Netherlands)

CONTENTS

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

* The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.67/Add.1.

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GE.93-12247 (E)

CONTENTS (continued)

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on situations established by Economic and Social Council resolution 1990/41 of 25 May 1990 (continued)

Draft resolutions and decisions relating to agenda items 12, 24, 26, 21, 13 and 14 (continued)

The meeting was called to order at 7.20 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990 (agenda item 12) (continued)

1. The CHAIRMAN announced that the Commission had completed its consideration of agenda item 12 (b). In accordance with Economic and Social Council resolution 1503 (XLVIII), it had considered the human rights situation in Bahrain, Chad, Kenya, Rwanda, Somalia, the Sudan and Zaire. In conformity with paragraph 8 of Council resolution 1503 (XLVIII), members should not make any reference in public debate to the confidential decisions taken under that resolution, nor to any confidential material relating thereto. Nevertheless, as it was the Commission's practice to make known the names of countries whose situation had been considered under the confidential procedure, it seemed appropriate to announce that the Commission had completed consideration of the situation of human rights in Bahrain and Kenya.

2. In addition, having established a public procedure concerning the human rights situations in the Sudan and Zaire, it had decided to discontinue consideration of those two situations under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII).

DRAFT RESOLUTIONS AND DECISIONS RELATING TO AGENDA ITEMS 12, 24, 26, 21, 13 AND 14 (continued)

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories (agenda item 12) (continued) (E/CN.4/1993/L.108, L.51/Rev.1, E/CN.4/1993/2-E/CN.4/Sub.2/1992/58, chapter I, section A, draft resolution III, chapter I, section B, draft decision 2)

Draft resolution E/CN.4/1993/L.108

3. Mr. KLEMM (Germany) introduced the draft resolution on the situation of human rights in Togo on behalf of the sponsors, which had been joined by the delegations of Austria, Canada, Czech Republic, Netherlands, Poland and United States of America, and the observer delegations of Belgium, Denmark, Ireland, Italy, Luxembourg, Spain and Switzerland.

4. He said that a number of amendments should be made to the text, the contents of which had been communicated to the Togolese authorities.

5. A new paragraph should be inserted between the seventh and eighth preambular paragraphs, to read:

"Noting with interest the declaration on the situation in Togo of the fifty-seventh session of the Council of Ministers of the Organization of African Unity (Addis Ababa, 15-19 February 1993) and the conciliation efforts among the Togolese parties undertaken at the meeting of Colmar (8 February 1993) under the auspices of the French and German Governments."

6. Paragraph 3 should read:

"Calls upon the authorities in Togo to take all necessary measures to create favourable conditions for the return of Togolese who fled to neighbouring countries in safety and dignity and to guarantee the security of all Togolese, including that of political opponents;"

7. Paragraph 4 should be deleted, and replaced by the following text:

"4. Encourages the efforts undertaken at the regional and international levels to facilitate the resumption of the democratization process in a climate of security and of respect for human rights;"

8. Paragraph 5 (a) should read:

"(a) To bring this resolution to the attention of the Togolese authorities and to ask them to express themselves as soon as possible on the follow-up they will give to the present resolution".

9. Draft resolution E/CN.4/1993/L.108, as amended, was adopted without a vote.

10. Mr. ELKARIB (Sudan) stated, for the record, that his delegation had not wished to stand in the way of a consensus on the resolution, despite its strong conviction, as a matter of principle, that it was not for the Commission to come to a decision concerning an absent member which was thereby unable to defend itself.

Draft resolution E/CN.4/1993/L.51/Rev.1

11. Mr. TOURE (Guinea-Bissau) introduced, on behalf of the sponsors, the draft resolution on human rights violations on Bougainville.

12. He said that the first part of operative paragraph 1 should be amended to read as follows:

"1. Urges the Government of Papua New Guinea to permit international fact-finding missions access to Papua New Guinea particularly including Bougainville ..."

13. Draft resolution E/CN.4/1993/L.51/Rev.1, as amended, was adopted without a vote.

14. Mr. WOOLCOTT (Australia) stated for the record that his Government was most concerned about allegations of human rights abuses involving all parties in the Bougainville dispute. It had raised specific allegations with the Government of Papua New Guinea and also made clear its abhorrence of the abuses committed by the Bougainville Revolutionary Army (BRA), which bore a heavy responsibility. The Australian Government regretted that the Commission had chosen to adopt an approach which was informed only by the views of one of the parties to the dispute. The question also arose about the extent to which the action called for in the resolution was consistent with the mandate of the Commission on Human Rights.

15. Australia's acceptance of the text should not be taken to imply any change in its policy, which recognized the Government of Papua New Guinea as the constitutional authority in North Solomons Province. His delegation understood that to be the position of all the Governments represented in the Commission.

16. Mr. MIYET (France) said that the spirit of cooperation demonstrated by the sponsors during the preparation of the resolution had enabled his delegation to join in the consensus. France nevertheless shared the Australian view that the text contained elements of a political nature that were out of place in a resolution on human rights.

17. Mr. CHANDRA (India) said that his delegation had not wished to stand in the way of a consensus on the resolution. In the event of a vote, however, it would have abstained, believing that insufficient account was taken in the provision related to fact-finding missions of the very important aspect of consent on the part of the Government concerned.

18. Mr. MASRI (Syrian Arab Republic) endorsed the reservation made by the previous speaker.

Draft resolution III referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58)

19. Mr. PETERS (Netherlands) informed the Commission that consultations among the interested parties with regard to the draft resolution on forced evictions had resulted in three amendments to the text contained in the Sub-Commission's report.

20. He said that the last part of the seventh preambular paragraph, beginning with the words "including ..." should be deleted. The adjective "gross" should be deleted from operative paragraph 1. The reference in operative paragraph 7 to agenda item 12 should be replaced by a reference to agenda item 7, which concerned the realization of economic, social and cultural rights.

21. In reply to a question by Mr. MASRI (Syrian Arab Republic), he said that the proposal for the deletion of the word "gross" in operative paragraph 1 had emanated from the consultations he had referred to as part of the arrangements

intended to facilitate adoption of the decision without a vote. If, however, the deletion did not meet with general approval, the proposal would be withdrawn.

22. Draft resolution III, as amended, was adopted without a vote.

Draft decision 2 referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58)

23. Draft decision 2 was adopted without discussion and without a vote.

24. Mr. WOOLCOTT (Australia) said that his delegation had not wished to oppose the adoption of the decision without a vote. The Government of Australia wished, however, to place on record its concerns with regard to the appropriateness and use of the resources involved in the decision. Like all the other States members of the Pacific Forum, Australia recognized the Government of Papua New Guinea as the constitutional authority on Bougainville. The arrangements referred to in the decision were arrangements between that Government and certain Bougainvillians. At no point were the latter recognized as representatives of the indigenous people of Bougainville.

25. The CHAIRMAN said that the draft resolution on the situation in East Timor (E/CN.4/1993/L.81/Rev.1) would be taken up at the next meeting of the Commission. With that exception, the Commission had completed its consideration of item 12.

26. Mr. WAGENSEIL (United States of America) explained his delegation's position on certain resolutions adopted under item 12, namely those related to the situation of human rights in Haiti (E/CN.4/1993/L.92) and human rights violations on Bougainville (E/CN.4/1993/L.51/Rev.1), and the decision just adopted concerning forced evictions.

27. The United States had joined in the consensus on the resolution on human rights in Haiti, sharing the deep concern expressed with regard to the interruption of democratic rule and the serious human rights violations in that country since September 1991. More particularly, it joined in welcoming the recent dispatch of an international observer mission of the United Nations and the Organization of American States to Haiti, and was hopeful that that measure, together with other efforts by the United Nations and the OAS, would improve the situation of human rights and hasten the return to democratically elected government in Haiti. His delegation noted, however, that recommendation E in the report of the Independent Expert contained language on the Haitian migrant issue that it could not endorse. Specifically, that language expressed concern for "thousands of Haitians ... being returned to their country after trying to flee ..." and urged members of the United Nations to "apply in this situation the governing human rights principles". He wished to point out that the actions taken by the United States in that regard were both humanitarian and consistent with international law and principles.

28. Concerning the resolution on human rights violations on Bougainville, he said that the United States supported the territorial integrity of

Papua New Guinea, of which Bougainville formed a part. It had long encouraged all the parties to the dispute to settle their differences peacefully and to protect the human rights of all persons in North Solomons Province. The United States delegation had found itself unable, however, fully to support the resolution because its language implied that the Government of Papua New Guinea bore sole responsibility for seeking a peaceful solution to the Bougainville problem. According to information in his delegation's possession, the Bougainville Revolutionary Army had itself thwarted previous efforts to bring about discussions among the parties to the dispute. Thus, it must bear at least equal responsibility for the absence of such talks. The United States delegation also opposed the fourth preambular paragraph because of the suggestion that the conflict was international.

29. Finally, concerning the resolution on forced evictions, he wished to place on record the understanding of the United States that the resolution was not relevant to lawful evictions for non-payment of rent. His delegation was, however, grateful to the delegation of Portugal and to the Bureau of the Commission for assisting in making the revisions which had enabled the United States to join in the consensus on the decision.

Rights of the child, including:

(a) Status of the Convention on the Rights of the Child;

(b) Report of the Special Rapporteur on the sale of children;

(c) Programme of action for the elimination of the exploitation of child labour;

(d) Programme of action for the prevention of the sale of children, child prostitution and child pornography (agenda item 24) (continued) (E/CN.4/1993/L.88, L.95, L.96, L.102, L.109, L.110, E/CN.4/1993/2-E/CN.4/Sub.2/1992/58, chapter I, section B, draft decisions 1 and 4).

Draft resolution E/CN.4/1993/L.88

30. Ms. STRÖM (Observer for Sweden) introduced the draft resolution on the implementation of the Convention on the Rights of the Child on behalf of the 42 sponsors, drawing attention to the salient points of the text.

31. Mr. PACE (Secretary of the Commission) said that Bulgaria, Cuba, Cyprus, Gabon, Kenya, Madagascar, the Republic of Korea and the Sudan had asked to join the list of sponsors of the draft resolution.

32. Draft resolution E/CN.4/1993/L.88 was adopted without a vote.

Draft resolution E/CN.4/1993/L.95

33. Ms. GALVIS (Colombia), on behalf of the sponsors, who now included Cuba, France and the Republic of Korea, introduced the draft resolution, which proposed to adopt the Programme of Action for the Elimination of the Exploitation of Child Labour submitted by the Sub-Commission's Working Group

on Contemporary Forms of Slavery. Her delegation invited all States to apply the guidelines contained in the Programme of Action as minimum standards, and hoped that the draft resolution would be adopted by consensus.

34. Draft resolution E/CN.4/1993/L.95 was adopted by consensus.

35. Mr. KLEMM (Germany), speaking in explanation of vote after the vote, said that his delegation had joined consensus on the draft resolution, thereby expressing its support for the main thrust of that resolution. However, it had reservations concerning several aspects of the Programme of Action adopted therein, and especially concerning its point 33, on the establishment of an international child welfare fund. In his delegation's view, such a fund would duplicate the activities of the United Nations Children's Fund (UNICEF).

Draft resolution E/CN.4/1993/L.96

36. Ms. RUESTA (Venezuela) drew the secretariat's attention to a typographical error in paragraph 4 of the Spanish version of the text. She went on to introduce the draft resolution on application of international standards concerning the human rights of detained juveniles. France and Peru had joined the sponsors of the draft resolution. Her delegation hoped that the text could be adopted by consensus.

37. Draft resolution E/CN.4/1993/L.96 was adopted by consensus.

Draft resolution E/CN.4/1993/L.102

38. Mr. LARSEN (Observer for Denmark) introduced draft resolution L.102 on behalf of the sponsors. Additional sponsors were Kenya, Madagascar, Mexico and Zimbabwe.

39. The phenomenon of street children affected virtually every country of the world, and street children were now reckoned to outnumber refugees and displaced persons. As initiators of the draft resolution, the 12 Member States of the European Community thus felt that a resolution of a general nature, eschewing references to any particular situation, would be a valuable contribution to raising awareness of that phenomenon. His delegation hoped that the text could be adopted by consensus.

40. Draft resolution E/CN.4/1993/L.102 was adopted by consensus.

Draft resolution E/CN.4/1993/L.109

41. Mr. CABRAL (Portugal) introduced, on behalf of the sponsors, the draft resolution on the Special Rapporteur on the sale of children, child prostitution and child pornography. The text placed special emphasis on the three areas of raising awareness (through the media, education and training), prevention (inter alia, through adoption by the business sector of a code of conduct), and cooperation.

42. In the interests of achieving consensus, his delegation wished to reflect the suggestions made by other delegations by incorporating four amendments in the text. First, in the seventh preambular paragraph, the words "which may

also often constitute an exploitation of child labour" should be added to the end of the paragraph, after the word "world,". Secondly, in paragraph 2, the words ", including those" should be deleted. Thirdly, in paragraph 11, the word "effective" should be inserted before the word "implementation". Lastly, in paragraph 22, the phrase "in the full discharge of his mandate and" should be inserted before the words "in order to ...". His delegation hoped that, thus amended, the draft resolution could command consensus.

43. Mr. PACE (Secretary of the Commission) announced that the Republic of Korea, Turkey and the United Kingdom had joined the list of sponsors.

44. Draft resolution E/CN.4/1993/L.109, as amended, was adopted by consensus.

45. Ms. FERRIOL ECHEVARRIA (Cuba), speaking in explanation of vote after the vote, said that, in a departure from its usual custom, her delegation had been unable to join the list of sponsors of the draft resolution at the current session, as the text did not fully reflect all aspects of the Special Rapporteur's report.

46. The draft resolution should have referred more directly to the violations of the human rights of millions of children, addressing the root causes of those violations. It should have called for the punishment of those engaging in such practices, and it should have dealt with the protection and promotion of the rights of the children of indigenous populations and of migrant workers. Its reluctance to enter into details contrasted with the readiness to enter into details in other texts, and bespoke double standards.

47. If the Special Rapporteur was to fulfil his mandate, he should receive all necessary assistance, including financial resources, from the Secretary-General. States should also be required to complete the questionnaires submitted to them, to enable the Special Rapporteur to have the necessary information at his disposal.

48. Mr. WOOLCOTT (Australia), speaking in explanation of vote after the vote, said that his delegation supported the draft resolution, but had been unable to join the sponsors as it had done in previous years. Paragraph 2 of the draft resolution endorsed the conclusions and recommendations of the Special Rapporteur. The Australian Government appreciated the work done by the Special Rapporteur, but had not had time to study those conclusions and recommendations fully. It was thus unable to endorse them at the current stage.

Draft resolution E/CN.4/1993/L.110

49. Mr. MIYET (France) introduced the draft resolution on the consequences of armed conflicts on children's lives, on behalf of its sponsors. The draft resolution highlighted the specific problem of anti-personnel mines, which continued to kill and injure children long after conflicts were over. The Commission had a moral duty to add its voice to those of other humanitarian organizations, particularly the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees and UNICEF, as well as of non-governmental organizations, by calling for an end to the use of such weapons.

50. He drew attention to some editorial amendments. In the ninth preambular paragraph and in paragraph 1, the word "souvent" was to be inserted after the word "sont" in the French version of the text. In paragraph 2 of the French version, the words "y compris la recommandation adressée à l'Assemblée Générale d'initier une étude à la lumière de l'article 45 (c) de la Convention" should be added. In the eighth preambular paragraph of the English version, the word "traumatizing" should be replaced by the word "injurious". His delegation hoped that, thus amended, the text could be adopted by consensus.

51. Mr. PACE (Secretary of the Commission) announced that Kuwait, Madagascar, Senegal, Spain and Zimbabwe had joined the list of sponsors of the draft resolution.

52. Draft resolution E/CN.4/1993/L.110, as amended, was adopted by consensus.

53. Mr. MORLAND (United Kingdom) speaking in explanation of vote after the vote, said that although his delegation had joined consensus in the vote on the draft resolution, the United Kingdom considered certain elements of the text more appropriate for consideration by bodies such as the International Committee of the Red Cross than by the Commission. It was also his delegation's understanding that the sixth preambular paragraph was to be considered in the context of the relevant provisions in the Convention on the Rights of the Child.

Draft decision 1 referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58)

54. Draft decision 1 was adopted by consensus.

55. Mr. FATHI MASRI (Syrian Arab Republic), speaking in explanation of vote after the vote, said that in paragraph (b) of draft decision 1, States were invited to explain why they had not acceded to or ratified the slavery conventions. In the past, however, it had been customary simply to request States to accede to the conventions, rather than to require them to give reasons for their non-accession. As a question of principle, was it right to require States to explain why they had not acceded to a convention? As for the latter part of paragraph (b), it was surely for the International Labour Organisation, not for the Secretary-General, to extend such an invitation.

56. Mr. CHAKRAVARTI (India), speaking in explanation of vote after the vote, endorsed the point made by the representative of the Syrian Arab Republic. Although India had ratified the Slavery Convention, his delegation considered that the language used in line 2 of paragraph (b), requesting States to explain why they had not ratified a convention, was not in conformity with current international practice.

Draft decision 4 referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58)

57. The CHAIRMAN announced that draft decision 4 had been superseded following the adoption by the Commission of draft resolution E/CN.4/1993/L.96.

The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service (agenda item 26) (continued) (E/CN.4/1993/L.107)

Draft resolution E/CN.4/1993/L.107

58. Mr. PETERS (Netherlands), introducing the draft resolution entitled "Conscientious objection to military service" on behalf of its sponsors, which had been joined by the delegations of Canada, the Russian Federation and the United States of America, said that the sponsors had received three proposals for amendments to the text, which they had decided to retain. In paragraph 2, the word "compulsory" should be added after "performing" and the word "cannot" should be replaced by "should not". A new paragraph 3 should be inserted, to read as follows: "Recognizes the fact that there exist various domestic legislations concerning conscientious objection to military service".

59. It was to be hoped that with those changes, the draft resolution could be adopted without a vote.

60. Mr. MASRI (Syrian Arab Republic), speaking in explanation of vote before the vote, said that in certain cases, for example when the armed forces of an apartheid regime were engaged in expansionist aggressive policies, there was good reason for conscientious objection, but in others, it weakened the military spirit of peoples struggling to liberate their countries from the remnants of colonialism. For that reason, had there been a vote on the draft resolution, his delegation would have abstained.

61. Draft resolution E/CN.4/1993/L.107, as orally amended, was adopted by consensus.

62. Mr. KLEMM (Germany), speaking in explanation of vote after the vote, said that in his country, conscientious objection was guaranteed under all circumstances, and his delegation therefore regretted the amendment to paragraph 2 of the draft resolution, which prevented Germany from joining the sponsors.

Advisory services in the field of human rights (agenda item 21) (continued) (E/CN.4/1993/L.84, L.86, L.99 and L.119)

Draft resolution E/CN.4/1993/L.84

63. Mr. KLEMM (Germany), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegation of Finland and the observer for Switzerland, said that it was directed towards assisting the democratization process already begun by the Government of Georgia and further developing the legal and institutional measures so as to put an end to

situations conducive to human rights violations and their underlying cause, ethnic strife. It was to be hoped that the draft resolution could be adopted by consensus.

64. Mr. PACE (Secretary of the Commission), speaking on the financial implications of paragraph 7 of the draft resolution, said that US$ 129,200 would be needed to cover the expenses incurred by missions to Georgia and professional and general service support.

65. Draft resolution E/CN.4/1993/L.84 was adopted by consensus.

66. Mr. WEISSBRODT (United States of America) speaking in explanation of vote, said that although his delegation had not blocked the consensus on that draft resolution, it was very concerned at the substantial financial implications and would not endorse the authorization of such expenditures when it was not clearly established that they were to come from existing United Nations resources.

Draft resolution E/CN.4/1993/L.86

67. Mr. WEISSBRODT (United States of America), introducing the draft resolution on behalf of its sponsors, which had been joined by the observer for New Zealand, said that its purpose was to encourage the development of a programme of advisory services to assist in the elaboration of a democratic constitution and, eventually, the holding of elections in Somalia. Those matters were, of course, principally the right and responsibility of the Somali people, as recognized in the preambular paragraphs; none the less, given the particular circumstances in Somalia, in which there was a lack of governmental authority, the international community should provide assistance to permit a return to respect for human rights.

68. His delegation sought to accommodate the concerns expressed by a number of delegations by deleting the words "to the Security Council" and "peace-keeping" in paragraph 3. With that change, it was to be hoped that the draft resolution could be adopted by consensus.

69. Mr. MASRI (Syrian Arab Republic), speaking in explanation of vote before the vote, said that it was not the role of an independent expert to assist a country in establishing a democratic constitution, as suggested in paragraph 1; that was a task for the constituent assembly of the country itself.

70. Mr. ALFONSO MARTINEZ (Cuba) said that his delegation was still concerned about paragraphs 1 and 3. With regard to paragraph 1, his delegation shared the view of the Syrian Arab Republic: the drafting of a constitution and the holding of elections in a country were incumbent upon a constituent assembly and the legislature of that country. As that was not possible in Somalia, his delegation would have preferred deleting, at the end of that paragraph, the words "including a democratic constitution, as well as the eventual holding of periodic and genuine elections by universal suffrage and secret ballot". For the sake of consensus, however, Cuba would not request a separate vote on that paragraph or propose separate versions. But it was the understanding of his delegation that any conclusions drawn by the advisory services would be on the

basis of the work of the constituent body mandated to draft a constitution in Somalia and to adopt election legislation. Cuba interpreted paragraph 1 in the light of preambular paragraph 6; it was up to the Somali people to establish those institutions once normality returned.

71. Concerning paragraph 3, he thanked the United States of America for accommodating the concerns expressed by many delegations. In Cuba's view, the Commission could only make recommendations to its parent body, the Economic and Social Council, which could then decide, if it so desired, to make recommendations to its peer bodies, the General Assembly or the Security Council; it could not make recommendations to bodies to which it was not directly subordinate.

72. If the draft resolution was adopted without a vote, Cuba would join the consensus.

73. Mr. JALLOW (Gambia) said that the purpose of the draft resolution was to help Somalia return to normalcy and to encourage participation by all factions of the population in the democratic process. The goal of paragraph 1 was simply to provide advisory services, including on the drafting of a democratic constitution; it did not aim to take that decision out of the hands of the Somali people.

74. Mr. ELKARIB (Sudan) said that in the view of his delegation, the draft resolution under consideration should have been examined under agenda item 12; paragraph 1 of the draft resolution went beyond the scope of agenda item 21. Furthermore, his delegation agreed with Cuba that paragraph 1 should have ended with the words "rule of law".

75. Mr. PACE (Secretary of the Commission), speaking on the financial implications of paragraph 1 of the draft resolution, said that costs for 1993 were estimated at US$ 316,000, including $34,000 for interpretation, and US$ 5,700 for 1994.

76. Draft resolution E/CN.4/1993/L.86, as orally amended, was adopted by consensus.

Draft resolution E/CN.4/1993/L.99

77. Mr. FLÜGGER (Germany), introducing, on behalf of its sponsors, which had been joined by the observers for Ireland, Madagascar and New Zealand, the draft resolution on advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, drew attention to its salient points and hoped that it could be adopted without a vote.

78. Mr. PACE (Secretary of the Commission), speaking on the financial implications of paragraphs 6, 7 and 8, said that the costs of carrying out the requests contained therein were estimated at US$ 596,900 which covered the organization of national training courses, the advisory services of experts, fellowships and general temporary assistance.

79. Draft resolution E/CN.4/1993/SR.99 was adopted by consensus.

Draft resolution E/CN.4/1992/L.119

80. Mr. HELLER (Mexico), introducing the draft resolution on assistance to Guatemala in the field of human rights on behalf of the sponsors, which had been joined by the delegation of Barbados, touched on the salient points contained in it and expressed the hope that it would be adopted by consensus.

81. Mr. VENTEGODT (Observer for Denmark), speaking on behalf of the European Community and its Member States, expressed the hope that the draft resolution would provide an impetus towards achieving of universal respect for the human rights and fundamental freedoms of the people of Guatemala. The Twelve welcomed the conversations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) which had begun on 23 February 1993, and reiterated the hope that they would lead to the reactivation of the peace negotiation process.

82. The Member States of the European Community wished to place on record their belief that the issue of the human rights situation in Guatemala should have been considered under item 12 of the Commission's agenda. They considered that unless there was a significant improvement in the human rights situation in Guatemala, the Commission should examine the situation under item 12 at its next session.

83. Mr. SORMUNEN (Finland) said that the negotiations on the draft resolution had been lengthy and intensive and they sent a clear signal to the Government to improve the human rights situation. The early conclusion of peace was a prerequisite for the prevention of human rights violations. His delegation considered that the Commission should address the question at its next session.

84. Mr. DESSER (Austria) said that his delegation noted with deep concern the concurring reports of continuing human rights violations and impunity in Guatemala. The points that the perpetrators of violations, including members of the armed forces, must effectively be brought to justice and that the immediate implementation of the global peace agreement were important ones had not been adequately reflected in the draft resolution.

85. Mr. SULLIVAN (United States of America) said that while there had been considerable debate concerning the item under which the resolution on Guatemala should be considered, it was clear that everyone was working towards the same goal of a peaceful Guatemala in which human rights were fully respected; the peace negotiations which had just resumed held the key to that brighter future.

86. His delegation shared the deep concern over human rights violations expressed in the Independent Expert's report (E/CN.4/1993/10) and in the draft resolution. It applauded the constructive approach taken by both the report and the resolution to Guatemala's continuing problems and suggested that it might serve as a model as to how the Commission could use advisory services to assist Governments. It encouraged the Government to take full advantage of the resources available at the Centre for Human Rights.

87. In conclusion, his delegation urged the Guatemalan Government and the URNG to move beyond mutual mistrust and to negotiate in good faith an end to the conflict.

88. Mr. HYNES (Canada) said that although his delegation had accepted that the Commission had been unable to take a decision at the current session on the need to address the situation in Guatemala, it considered that action under agenda item 12 would have been more appropriate. It had joined the consensus because the draft resolution sent a clear message to all parties in the conflict that a move must be made towards the immediate conclusion of a peace agreement.

89. Mr. PETERS (Netherlands) said that the word "progress" in operative paragraph 7 should have been rendered as "developments".

90. Mr. PACE (Secretary of the Commission), speaking on the financial implications of paragraphs 17 and 18 of the draft resolution, said that US$ 288,200 would be required for 1993 and US$ 61,600 for 1994, to cover the expenses of field missions, travel requirements and professional support including training courses.

91. Draft resolution E/CN.4/1993/L.119 was adopted by consensus.

Measures to improve the situation and ensure the human rights and dignity of all migrant workers (agenda item 13) (continued) (E/CN.4/1993/L.100)

Draft resolution E/CN.4/1993/L.100

92. Mrs. PAZ (Mexico) introducing the draft resolution on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on behalf of the sponsors, which had been joined by Tunisia, touched on its salient points and expressed the hope that the draft resolution would be adopted without a vote.

93. Draft resolution E/CN.4/1993/L.100 was adopted by consensus.

94. Mr. AIZAWA (Japan) said that although his delegation had joined the consensus on the draft resolution, it had explained in detail its reservations at the time when the Convention had been adopted and wished to reiterate that its position remained unchanged.

Human rights and scientific and technological developments (agenda item 14) (continued) E/CN.4/1993/L.47/Rev.1, L.82, L.106

Draft resolution E/CN.4/1993/L.47/Rev.1

95. Mr. MBURU (Kenya) introducing the draft resolution on behalf of the sponsors, which had been joined by the observer delegations for Equatorial Guinea and Swaziland, drew attention to its main points and commended it for adoption by consensus.

96. Mr. JALLOW (Gambia) said that the dumping of toxic waste was a threat to the African continent and that the African countries appreciated the provision of adequate safeguards.

97. At the request of the representative of the United States of America, a vote was taken by roll-call on draft resolution E/CN.4/1993/L.47/Rev.1.

98. Cuba, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Argentina, Bangladesh, Barbados, Brazil, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Gabon, Gambia, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Uruguay, Venezuela, Zambia.

Against: United States of America.

Abstaining: Australia, Austria, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Japan, Malaysia, Netherlands, Poland, Portugal, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland.

99. Draft resolution E/CN.4/1993/L.47/Rev.1 was adopted by 34 votes to 1, with 17 abstentions.

100. Mr. WAGENSEIL (United States of America), speaking in explanation of vote after the vote, said that his delegation had voted against the draft resolution, since although it was a laudable environmental goal, freedom from the dumping of toxic wastes was not a collective human right; it was not an appropriate item for a human rights forum and should be discussed in an environmental forum in connection with the appropriate legal instruments, for example the Basel Convention.

101. Mr. MARANTZ (Canada) said that Canada had been one of the industrial countries which had called attention to the disposal of hazardous wastes. While his delegation would have preferred to support the resolution, it had abstained because it was not convinced that the responsibility for dumping practices should be attached to transnational corporations without evidence or to industrial countries which had demonstrated their concern by concrete actions. It would have been more constructive to have developed a resolution which could have been adopted by consensus.

102. Mr. AIZAWA (Japan) said that his delegation had abstained in the vote although it shared environmental concerns. The problem needed to be considered by bodies that were more appropriate.

103. Mr. WOOLCOTT (Australia) said that while his delegation shared the concerns of the sponsors regarding hazards to Africa and the Pacific, it had

also taken part in drafting the Basel Convention and chapter 21 of the UNCED report and considered that environmental concerns could not be advanced by the Commission on Human Rights.

Draft resolution E/CN.4/1993/L.82

104. Mr MIYET (France), introducing the draft resolution on human rights and bioethics on behalf of the sponsors, which had been joined by the observer delegation for Algeria, said that given its modest objectives, his delegation thought that it could be adopted by consensus.

105. Draft resolution E/CN.4/1993/L.82 was adopted by consensus.

Draft resolution E/CN.4/1993/L.106

106. Mr. MIYET (France), introducing the draft decision on the follow-up to the guidelines for the regulation of computerized personal data files on behalf of the delegations of Chile and France, said that the aim of the draft decision was to protect the individual and ensure that the question was included in the agenda of the fifty-first session of the Commission.

107. Mr. MALHOTRA (India) suggested that the word "including" in (b) should be deleted since "intergovernmental organizations" did not include the three categories of body which followed.

108. He considered that the question of computerized personal data files was not really a problem which prevailed in most developing countries although technological changes were indeed in progress.

109. Draft resolution E/CN.4/1993/L.106 was adopted by consensus.

The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.67/Add.1